

1 FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer  
2 JOHN W. SAN NICOLAS II  
U.S. Probation Officer  
3 U.S. District Court of Guam  
2<sup>nd</sup> Floor, U.S. Courthouse  
4 520 West Soledad Avenue  
Hagatna, Guam 96910  
5 Telephone: (671) 473-9201  
Fax: (671) 473-9202  
6

**FILED**  
DISTRICT COURT OF GUAM  
OCT 11 2006 *da*  
MARY L.M. MORAN  
CLERK OF COURT

7  
8 **UNITED STATES DISTRICT COURT**  
**FOR THE**  
9 **DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA )  
11 Plaintiff, )  
12 vs. )  
13 CHANG SIK CHOE, )  
14 Defendant. )

CRIMINAL CASE NO. 98-00195-001

**REQUEST TO VACATE**  
**WARRANT FOR ARREST**

15 On May 5, 2000, Chang Sik Choe was sentenced in the District Court of Guam to a five year  
16 term of probation with various conditions for Trafficking in Counterfeit Merchandise, in violation  
17 of 18 U.S.C. §2320 and Offering a Bribe to an Agent of an Organization Receiving Federal Funds,  
18 in violation of 18 U.S.C. §666(a)(2). On September 16, 2002, the Court modified conditions of  
19 probation to include 150 hours of community service as a sanction for noncompliance. Mr. Choe's  
20 term of probation commenced on May 5, 2000.

21  
22 On June 20, 2003, the District Court issued a warrant for Mr. Choe's arrest pursuant to a  
23 petition filed by U.S. Probation Officer Stephen P. Guilliot for violation of probation conditions, to  
24 include that he left the judicial district without permission.  
25

26 **ORIGINAL**  
27

1 Request to Vacate Warrant for Arrest  
2 Re: CHOE, Chang Sik  
3 USDC Cr. Cs. No. 98-00195-001  
4 October 10, 2006

5 This Officer is requesting that the warrant of arrest for Chang Sik Choe be vacated. The  
6 warrant, issued on June 20, 2003, was not supported by an oath or affirmation as required by the  
7 Fourth Amendment and as affirmed in the 9<sup>th</sup> Circuit decision in U.S. v. Vargas-Amaya. Mr. Choe's  
8 probation term expired on May 4, 2005.

9 Respectfully Submitted,

10 FRANK MICHAEL CRUZ  
11 Chief U.S. Probation Officer

12 By:

13   
14 JOHN W. SAN NICOLAS II  
15 U.S. Probation Officer

16 Reviewed By:

17   
18 ROSSANNA VILLAGOMEZ-AGUON  
19 U.S. Probation Officer  
20 Supervision Unit Leader

21 cc: Karon V. Johnson, AUSA  
22 Curtis Vandeveld, Defense Attorney  
23 File  
24  
25  
26  
27